

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8700.21

5/16/03

Cancellation  
Date: 5/16/04

## **SUBJ: SCREENING OF ALIENS AND OTHER DESIGNATED INDIVIDUALS SEEKING FLIGHT TRAINING**

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**1. PURPOSE.** This notice provides Flight Standards inspectors with information regarding the training of certain aliens pursuant to requirements in section 113 of the Aviation and Transportation Security Act. Specifically, this notice describes how aliens, not current and qualified on aircraft with a maximum certificated takeoff weight of 12,500 pounds or more, will now be able to apply to the Department of Justice (DOJ) for a security risk assessment analysis. This notice will also explain whom to contact in each Flight Standards District Office (FSDO) to register training providers (individual instructors, training centers, certificated carriers, and flight schools).

**2. DISTRIBUTION.** This notice is distributed electronically to all regional Flight Standards divisions and district offices. A printed copy will be distributed to the branch level in the regional Flight Standards divisions, to FSDOs, to the division level in the Flight Standards Service in Washington headquarters, and to the Regulatory Standards Division at the Mike Monroney Aeronautical Center.

### **3. BACKGROUND.**

**a. Public Law.** On November 19, 2001, Congress enacted Public Law (PL) 107-71, the Aviation and Transportation Security Act. Section 113 of PL 107-71 imposed new restrictions on training providers that provide flight instruction to certain aliens. PL 107-71 requires training providers to notify the U.S. Attorney General that an alien has requested aviation training in an aircraft with a maximum certificated takeoff weight of 12,500 pounds or more. Once all the data and fingerprints are received, the U.S. Attorney General then has 45 days to inform the training provider whether the alien poses a risk to aviation or national security.

**b. Delegation of Authority.** The U.S. Attorney General has designated the Director of the Foreign Terrorist Tracking Task Force at the DOJ to review aliens' backgrounds and determine whether these individuals pose a risk to aviation or national security. Questions concerning notification and identifying information required by section 113 of the Aviation and Transportation Security Act should be directed to: Director, Foreign Terrorist Tracking Task Force, Mailbox 27, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW., Washington, DC 20535, (703) 414-9777.

### **4. INDIVIDUALS NOT REQUIRING A SECURITY RISK ASSESSMENT.**

**a.** Training providers will need to determine whether an applicant for training in an aircraft with a maximum certificated takeoff weight of 12,500 pounds or more is a citizen or an alien subject to section 113 of the Aviation and Transportation Security Act. (Legal permanent residents of the

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Initiated By: AFS-800

United States are subject to the requirements of section 113.) The DOJ requires one of the following documents to establish either proof of citizenship or nationality.

- (1) An unexpired, valid U.S. passport.
- (2) An original birth certificate with raised seal documenting birth in the United States or one of its territories.
- (3) An original U.S. Naturalization Certificate with raised seal, Form N-550 or Form N-570.
- (4) An original certification of birth abroad, Form FS-545 or Form DS-1350.
- (5) An original certificate of U.S. citizenship, Form N-560 or Form N-561.

**b.** If a training provider has any questions about any of the documents in subparagraphs (1) through (5) or any other documentation presented by a person who claims to be a citizen or national of the United States, that training provider should seek further guidance from DOJ or the Department of Homeland Security Bureau of Immigration and Customs Enforcement (formerly the Immigration and Naturalization Service).

**5. EXPEDITED PROCESSING.** The primary intent of Congress in passing the Aviation and Transportation Security Act is to prevent potentially dangerous aliens from being taught how to fly aircraft. However, certain categories of aliens pose a relatively low risk. An example is currently certificated pilots who seek recurrent training in aircraft they already know how to fly. Denying such recurrent training would offer little benefit to aviation or national security and could be a detriment to flight safety. The DOJ published an interim final rule on June 14, 2002, that institutes expedited processing for those aliens already current and qualified on aircraft with a maximum certificated takeoff weight of 12,500 pounds or more.

**a. Categories of Aliens.** The following categories of candidates are eligible for expedited processing:

(1) Foreign nationals who are current and qualified as pilot in command, second in command, or flight engineer with respective certificates with ratings recognized by the Federal Aviation Administration (FAA) for aircraft with a maximum certificated takeoff weight of over 12,500 pounds, or who are employed and qualified by U.S. regulated air carriers as pilots on aircraft with a maximum certificated takeoff weight of 12,500 pounds or more.

(2) Foreign nationals who are commercial, governmental, corporate, or military pilots of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more and receiving training on a particular aircraft in connection with the sale of that aircraft; if, the training provided is limited to familiarization (i.e., training required by one who is already a competent pilot to become proficient in configurations and variations of a new aircraft) and not an initial qualification or type rating.

(3) Foreign military or law enforcement personnel who must receive training on a particular aircraft given to a foreign government by the United States pursuant to a drawdown authorized by the President of the United States under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended (Title 22 of the United States Code, section 2318(a)(2)); if the training is limited to familiarization.

**b. Records.** Within the FAA-required records for each trainee, the training provider should include copies and other documentation that reflect how the trainee's security risk status was determined.

**c. Penalties.** DOJ will pursue civil and/or criminal penalties with respect to any training provider who knowingly or negligently provides training to aliens that do not fall into one of the three expedited processing categories.

## **6. ALIENS NOT ELIGIBLE FOR EXPEDITED PROCESSING.**

**a.** Effective March 17, 2003, aliens not current and qualified on an aircraft with a maximum certificated takeoff weight of 12, 500 pounds or more may now begin the screening process by contacting their training provider, then applying for screening using the DOJ Web site at: <https://www.flightschoolcandidates.gov>.

**Note: Be sure to use https, not http.**

**b.** Training providers must arrange for the submission of fingerprints for each alien seeking training. The Procedures section describes how you can obtain a copy of the final rule. Check Title 28 of the Code of Federal Regulations, part 105, section 105.13(c) of DOJ's final rule for details about fingerprinting.

**7. PROCEDURES.** One manager/supervisor in every FSDO/IFO/CMO has been designated as the Point of Contact to register training providers with the DOJ. Principal inspectors should provide the information contained in this notice to their respective flight schools, training centers, and air carriers as soon as possible. Inspectors should also be able to discuss this notice with flight instructors as necessary. Inspectors may advise training providers to obtain this information by the following means.

**a. Federal Register.** Refer training providers to Federal Register, Vol. 68, No. 30, Thursday, February 13, 2003, Rules and Regulations, Screening of Aliens and Other Designated Individuals Seeking Flight Training, page 7313. For the full text of the final rule refer to <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi>.

**b. Internet.** Refer training providers to the following URL: <http://www.faa.gov/avr/afs/notices> and click on the link N 8700.21.

**c. Further Information Contact.** Refer training providers who have questions to the address and telephone number in paragraph 3b.

**8. DISPOSITION.** Appropriate sections of this notice will be incorporated into Order 8700.1, General Aviation Operations Inspector's Handbook. If you have any questions about this notice you should contact the General Aviation and Commercial Division, AFS-800, (202) 267-8212.

/s/

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Director, Flight Standards Service